

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

**ANDREW WILLIAM SMITH & LISA
VELTEN-SMITH,**

**On Behalf of Themselves and All Others
Similarly Situated,**

Plaintiffs,

v.

**WELLS FARGO & COMPANY,
WELLS FARGO BANK, N.A.
And Does 1 through 20,**

Defendants.

Civil Action No. 1:08 cv-00564 (LAK)

**JOINT MOTION TO STAY DISCOVERY
PENDING SETTLEMENT PROCEEDINGS**

Defendants Wells Fargo & Company and Wells Fargo Bank, N.A (collectively "Wells Fargo") and Plaintiff's Andrew William Smith and Lisa Velten-Smith respectfully submit this Joint Motion to Stay Discovery Pending Settlement Proceedings. As grounds for this Motion, the parties state the following:

1. After several weeks of settlement discussions, the parties were unable to resolve this matter, and as such, the parties agreed they needed third party assistance. On June 25, 2008, counsel for Wells Fargo, with the consent of Plaintiffs' counsel, asked this Court to refer this case to a Magistrate Judge for a settlement conference.
2. On July 1, 2008, this Court issued an order granting that request, and on July 23, 2008, Magistrate Judge Eaton's chambers contacted Wells Fargo's counsel with available dates and times for a settlement conference.
3. The parties are currently scheduled to appear for a settlement conference before Magistrate Judge Eaton on September 16, 2008.
4. The current deadline for discovery in this matter is September 1, 2008.
5. A brief extension of the discovery deadline in this case would allow the parties the flexibility to focus on the settlement conference, while immediately resuming vigilant discovery in the event they are unable to settle the matter.

6. The parties therefore respectfully request that the Court extend the September 1, 2008 discovery deadline to October 15, 2008.

For the foregoing reasons, the parties respectfully request that this Court grant its Motion to Stay Discovery Pending Settlement Proceedings.

Respectfully submitted,

WELLS FARGO BANK, N.A.
WELLS FARGO & COMPANY

By their attorneys,

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Dated: August 4, 2008